

AUG 29 2005

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From: Frank J. DeRosa
Direct Dial: 212-895-2010
Date: August 29, 2005
Client/Matter #: 3524-14

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1. Response to June 29, 2005 Office Action and Request for a
One-Month Extension of Time

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Attorney Docket No.: 3524/14

AUG 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hausman

Serial No: 09/584,045

Art Unit: 3624

Filed: May 30, 2000

Examiner: Ella Colbert

For: Electronic Trading System for
Electricity ForwardsBy Facsimile

Commissioner for Patents

**RESPONSE TO JUNE 29, 2005 OFFICE ACTION AND
REQUEST FOR A ONE-MONTH EXTENSION OF TIME**

Sir:

This paper is in response to the June 29, 2005 Office Action ("the Office Action").

EXTENSION REQUEST

A one-month extension of time to August 29, 2005 is requested. Please charge the extension fee of \$120.00 and any other fee required at this time to continue prosecution to our Deposit Account No. 02-4270.

PROVISIONAL ELECTION

In response to the restriction requirement in the Office Action, claims 19 and 25 are hereby provisionally elected on behalf of Applicant with traverse for further prosecution in this application.

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REQUEST FOR RECONSIDERATION

Reconsideration and withdrawal of the restriction requirement are requested for the following reasons, which were discussed with Examiner Colbert by telephone on August 29, 2005. Applicant's Attorney thanks Examiner Colbert for discussing the Office Action and for agreeing to reconsider the restriction requirement.

Applicant's Attorney informed the Examiner that this application was already the subject of a restriction requirement and an election of the eight currently pending claims. (Telephonic election made on July 15, 2003; see Office Action dated October 1, 2003.)

Applicant's Attorney also pointed out that this application was filed on May 30, 2000, and has been pending for more than five years. During this time, the Office has searched the eight pending claims, issued two substantive office actions applying prior art and considered arguments advanced on behalf of the Applicant in two responses to office actions, as well discussed the claims and the prior art in two personal interviews between Applicant's representatives and the Examiner formerly handling this application. Applicant has correspondingly prosecuted this application, including filing of an RCE to continue prosecution of the eight claims.

It is submitted that the amendments to the pending claims previously made did not so change the character of the pending claims as to now mandate restriction. Thus, it is submitted that the current restriction requirement was not necessitated by Applicant's responses.

As a matter of fundamental fairness, the Office should allow prosecution of the eight pending claims to continue in this application. The Office should not require a second restriction after claims have been prosecuted as pointed out above. Applicant has expended significant

resources to prosecute the previously elected eight claims and would be prejudiced by the requirement to expend additional time and expense to prosecute non-elected claims in a divisional application.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the current restriction requirement and to continue prosecution of claims 15, 17, 19, 20 and 34-37 in this application.

Respectfully Submitted,

Date: August 29, 2005

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